

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 13-3359

Secretary Department of Labor v. Koresko
(E.D. Pa. No. 2:09-cv-00988)

ORDER

Appellants seek review of the District Court's order entered July 29, 2013 scheduling the deposition of John J. Koresko, V, Lawrence Koresko and Larry Townsend for July 31, 2013, August 1, 2013 and August 2, 2013, respectively. The order appealed is not final within the meaning of 28 U.S.C. § 1291 and is not otherwise appealable at this time. See Bacher v. Allstate Ins. Co., 211 F.3d 52, 53 (3d Cir. 2000). Additionally, it is noted that on July 31, 2013, the District Court entered an order continuing the depositions for a later date. Appellants are directed to file a written response within seven (7) days of the date of this order addressing what effect the July 31, 2013 order has on their decision to proceed with Appeal No. 13-3359. If Appellants wish to withdraw their appeal, they must file a motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b).

If Appellants express an intent to continue the appeal, then all parties must file written responses addressing the jurisdictional issue, with a certificate of service attached, within fourteen (14) days from the date Appellants' notice of intent is filed.

For the Court,

/s/ Marcia M. Waldron
Clerk

Dated: August 2, 2013
PDB/cc: All Counsel of Record